

EXHIBIT A

From: [Haley Proctor](#)
To: [Kiely, Christian](#); [Chuck Cooper](#); [Michael W. Kirk](#); [Nicole Moss](#)
Cc: [Cooper, Howard](#); [Oren, Kristy](#); [Imran H. Ansari, Esq.](#); [Arthur Aidala](#); [Taylor Friedman](#)
Subject: RE: Giuffre v. Dershowitz - notices of deposition
Date: Tuesday, December 21, 2021 5:08:00 PM

Dear Christian:

The depositions for which you served notices on Monday would bring you to ten depositions, without counting Plaintiff and other seemingly important witnesses like David Boies. Although you have taken the position that “trial depositions” do not count toward the 10-deposition-limit, it appears that SDNY has long recognized that the FRCP (including Rule 30) eliminated the distinction between discovery and trial depositions. *United States v. IBM*, 90 F.R.D. 377, 381 & n.7 (S.D.N.Y. 1981). We will object to depositions in excess of the 10-deposition limit—even if the witnesses you seek to depose are important and beyond the subpoena power of the court—because you are using your ten depositions on witnesses whose testimony we consider to be irrelevant, cumulative, and/or easily replaced by stipulations.

We reiterate our offer to stipulate to certain facts/testimony/evidence in order to obviate the need for you to depose certain witnesses. If you have decided not to take us up on this offer, then we recommend that you get this issue resolved by the Court before you proceed with these minor witnesses. Again, we will not withdraw our opposition just because you have elected not to prioritize your most important witnesses.

In the meantime, please provide an updated list of the witnesses Defendant currently intends to depose.

Thank you,
Haley

From: Kiely, Christian <ckiely@toddweld.com>
Sent: Monday, December 20, 2021 4:58 PM
To: Chuck Cooper <ccooper@cooperkirk.com>; Michael W. Kirk <mkirk@cooperkirk.com>; Nicole Moss <nmoss@cooperkirk.com>; Haley Proctor <hproctor@cooperkirk.com>
Cc: Cooper, Howard <hcooper@toddweld.com>; Oren, Kristy <koren@toddweld.com>; Imran H. Ansari, Esq. <iansari@aidalalaw.com>; Arthur Aidala <arthur@aidalalaw.com>; Taylor Friedman <tfriedman@aidalalaw.com>
Subject: Giuffre v. Dershowitz - notices of deposition

Counsel,

Please see attached notices of subpoena and deposition.

Regards,

Christian

Christian G. Kiely



Todd & Weld LLP
One Federal Street, Boston, MA 02110
Tel: 617.624.4729 Fax: 617.624.4829
www.toddweld.com

This e-mail, and any attachments thereto, is intended only for the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me by return e-mail and permanently delete the original and any copy of this e-mail message and any printout thereof. To ensure compliance with requirements imposed by the U.S. Internal Revenue Service, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding U.S. tax penalties.